

AT THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF MISSISSIPPI

Tracy Miller Arnold

vs.

CITY OF GUNTOWN, Andrew Stuart in
his Individual and Official Capacities

Cause # 1:25-CV-24-GHD-DAS

RECEIVED

MAY 30 2025

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

PLAINTIFF'S OPPOSED MOTION TO STRIKE AFFIRMATIVE
DEFENSES

1. INTRODUCTION

1.1. COMES NOW the Plaintiff, Tracy Miller Arnold, proceeding pro se, and hereby
moves this Honorable Court pursuant to Federal Rule of Civil Procedure 12(f) to
strike all twenty (20) of Defendants' affirmative defenses.

1.2. The grounds for this request are that Defendants' affirmative defenses are insufficient
defense or any redundant, immaterial, impertinent, or scandalous matter.

1.1. Defendants' counsel has been contacted regarding this motion and has indicated that
Defendants oppose this Motion to Strike Affirmative Defenses.

1. CONCLUSION

WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff's Motion to
Strike Affirmative Defenses as follows;

Strike the following affirmative defenses **WITHOUT PREJUDICE**:

Defendants' First Aff. Def. (Failure to State a Claim), without prejudice to Defendants'
right to raise this issue through proper procedural vehicles under Rule 12; Defendants' Sec-
ond Aff. Def. (Statute of Limitations); Defendants' Third Aff. Def. (Standing); Defendants'

1 Fifth Aff. Def. (No Municipal Liability); Defendants' Sixth Aff. Def. (Punitive Damages
2 Prohibition); Defendants' Eighteenth Aff. Def. (Special Damages); and Defendants' Nine-
3 teenth Aff. Def. (Damage Caps)

4 Strike the following affirmative defenses **WITH PREJUDICE**:

5 Defendants' Seventh Aff. Def. (Mississippi Tort Claims Act); Defendants' Eighth Aff.
6 Def. (Estoppel and Res Judicata); Defendants' Ninth Aff. Def. (Good Faith/Honest Belief);
7 Defendants' Tenth Aff. Def. (Comparative Fault); Defendants' Eleventh Aff. Def. (Failure
8 to Exhaust Administrative Remedies); Defendants' Twelfth Aff. Def. (Failure to Mitigate);
9 Defendants' Thirteenth Aff. Def. (Adequate State Remedy); Defendants' Fourteenth Aff.
10 Def. (Reservation of FRCP 8(c) Defenses); Defendants' Fifteenth Aff. Def. (Unclean Hands);
11 Defendants' Sixteenth Aff. Def. (After-Acquired Evidence); Defendants' Seventeenth Aff.
12 Def. (Heck v. Humphrey); and Defendants' Twentieth Aff. Def. (Attorney's Fees)

13 Strike Defendants' Fourth Aff. Def. (Qualified Immunity, Sovereign Immunity, Legisla-
14 tive Immunity, and/or Absolute Immunity) as to the City of Guntown only, and without
15 prejudice as to Defendant Stuart; and

16 Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 22 day of May, 2025.



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